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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/062,367	01/31/2002	David Bruce Kumhyr	AUS9-2001-0768-US1	2902

7590 08/12/2004

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EXAMINER

PHAN, HUY Q

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 08/12/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/062,367

Applicant(s)

KUMHYR, DAVID BRUCE

Examiner

Huy Q Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8, 12-15, 17-21 and 24-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Jammal (US-2003/0027560).

Regarding claim 1, Jammal discloses in figure 1, a method for providing telephone service to a passenger on-board an aircraft, the method comprising the steps of:

a) establishing an identity for the passenger (inherently when the caller speaks to the operator; see [0012]), including the step of: receiving, by an on-board telephone service provider (fig. 1, feature 6), communication by an off-board communications means (fig. 1, features 1A, 1B and 1C; see [0012]-[0016]);

b) obtaining information about the passenger's flight, including the step of: receiving, by the on-board telephone service provider, at least a portion of the flight information from a flight information provider (fig. 1, feature 3) other than the passenger or a caller [0014]; and

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c) selecting an on-board telephone for an incoming call to the passenger, the selecting being responsive to

i) the flight information provided by the flight information provider [0014] and

ii) the passenger identity (inherently to credit card or access number; see [0016]).

Regarding claim 2, Jammal discloses a method as recited in the rejection of claim 1, wherein the flight information received from the flight information provider includes location of the aircraft ([0014] and [0016]).

Regarding claim 3, Jammal discloses a method as recited in the rejection of claim 1, wherein the step of receiving at least a portion of the flight information from a flight information provider includes the flight information provider communicating an identifier for the flight to a receiver for on-board telephone service [0014].

Regarding claim 4, Jammal discloses a method as recited in the rejection of claim 1, wherein the flight information received from the flight information provider includes a seat assignment for the passenger ([0014]-[0015]).

Regarding claim 5, Jammal discloses a method as recited in the rejection of claim 4, wherein the flight information received from the flight information

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provider includes information about layout of seats and telephones on the aircraft for the flight ([0014]-[0015]), and step c) comprises the step of: determining an association between a telephone and an assigned seat responsive to the aircraft information [0015].

Regarding claim 6, Jammal discloses a method as recited in the rejection of claim 1, wherein the passenger has an off-board telephone line, and step a) comprises the step of: receiving an indication by the on-board telephone service provider that the passenger's off-board telephone line is forwarding to the on-board telephone service provider [0015].

Regarding claim 7, Jammal discloses a method as recited in the rejection of claim 1, wherein step a) comprises the step of: receiving passenger identification from the caller (inherently when the caller speaks to the operator; see [0012]).

Regarding claim 8, Jammal discloses a method as recited in the rejection of claim 1, wherein step b) comprises the step of: receiving flight identification from the caller (inherently when the caller speaks to the operator and the caller's information needs to be matched; see [0012] and [0014]).

Regarding claim 12, Jammal discloses a method for providing telephone service on-board an aircraft, the method comprising the steps of:

a) establishing a passenger identity (inherently when the caller speaks to the operator; see [0012]), including the step of: receiving, by an on-board telephone service provider (fig. 1, feature 6), communication by an off-board communications means (fig. 1, features 1A, 1B and 1C; see [0012]-[0016]);

b) obtaining information about the passenger's flight [0014], including a seat assignment for the passenger [0015], wherein step

b) comprises the step of: receiving, by the on-board telephone service provider, information about the flight from a flight information provider (fig. 1, feature 3) other than the passenger or a caller, the flight information including a flight identification or location of the aircraft [0014]; and

c) directing an incoming call for the passenger to a selected telephone on-board the aircraft [0015], including the steps of:

selecting a passage responsive to the passenger identity for the incoming call (inherently to access number and see [0016]);

selecting a receiver for a group of telephones on-board the aircraft responsive to the flight identification or the aircraft location [0014]; and

selecting the on-board telephone responsive to the seat assignment and the information about the craft [0015].

Regarding claim 13, Jammal discloses a method as recited in the rejection of claim 12, wherein the passenger has an off-board telephone line, and step a) comprises the step of: receiving an indication by the on-board telephone service provider that the passenger's off-board telephone line is forwarding to the

telephone service provider [0015].

Regarding claim 14, Jammal discloses a method as recited in the rejection of claim 12, wherein step a) comprises the step of: receiving passenger identification from the caller (inherently when the caller speaks to the operator; see [0012]).

Regarding claim 15, Jammal discloses a method as recited in the rejection of claim 12, wherein at least a portion of the flight information is received from the caller (inherently when the caller speaks to the operator; see [0012] and [0014]).

Regarding claim 17, Jammal discloses a method as recited in the rejection of claim 12, wherein the flight is an airline flight [0011], and the flight information provider includes a third party information provider (fig. 1 feature 3)

Regarding claim 18, Jammal discloses an apparatus for providing telephone service on-board an aircraft, the apparatus comprising: a number of telephones on-board a number of aircraft, including telephones associated with respective rows of seats on each respective aircraft [0015]; a network for receiving a call for a passenger and transmitting the call to a selected one of the telephones on a selected one of the aircraft (fig. 1, feature 6); a processor (inherently to computers 5A, 5B, and 5C); and memory, wherein the memory has

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a computer program operable with the processor (inherently to computers 5A, 5B, and 5C; see [0015]) for performing the steps of:

- a) establishing a passenger identity (inherently when the caller speaks to the operator; see [0012]);

- b) receiving, by the on-board telephone service provider (fig. 1, feature 6), information about the flight from a flight information provider (fig. 1, feature 3) other than the passenger or a caller, the flight information including a flight identification or location of the aircraft [0014]; and

- c) directing an incoming call for the passenger to a selected on-board telephone, including the steps of: selecting the aircraft responsive to the flight identification or aircraft location for the incoming call [0014]; and selecting the on-board telephone responsive to the seat assignment [0015].

Regarding claim 19, Jammal discloses an apparatus as recited in the rejection of claim 18, wherein the passenger has an off-board telephone line, and step a) comprises the step of: receiving an indication by the on-board telephone service provider that the passenger's off-board telephone line is forwarding to the telephone service provider [0015].

Regarding claim 20, Jammal discloses an apparatus as recited in the rejection of claim 18, wherein step a) comprises the step of: receiving passenger identification from the caller (inherently when the caller speaks to the operator; see [0012]).

Regarding claim 21, Jammal discloses an apparatus as recited in the rejection of claim 18, wherein at least a portion of the flight information is received from the caller (inherently when the caller speaks to the operator; see [0012] and [0014]).

Regarding claim 24, Jammal discloses a computer program product (fig. 1, feature 5A, 5B and 5C; see [0015]) for providing telephone service to a passenger on-board an aircraft, the method comprising the steps of:

first instructions for establishing an identity for the passenger (inherently when the caller speaks to the operator; see [0012]), including instructions for receiving, by an on-board telephone service provider (fig. 1, feature 6), communication by an off-board communications means (fig. 1, features 1A, 1B and 1C; see [0012]-[0016]);

second instructions for obtaining information about the passenger's flight, including instructions for receiving, by the on-board telephone service provider, at least a portion of the flight information from a flight information provider other than the passenger or a caller [0014]; and

third instructions for selecting an on-board telephone for an incoming call to the passenger, the selecting being responsive to

i) the flight information provided by the flight information provider [0014] and

ii) the passenger identity (inherently to credit card or access number; see [0016]).

Regarding claim 25, Jammal discloses a computer program product as recited in the rejection of claim 24, wherein the flight information received from the flight information provider includes location of the aircraft ([0014] and [0016]).

Regarding claim 26, Jammal discloses a computer program product as recited in the rejection of claim 24, wherein at least a portion of the flight information received from a flight information provider includes an identifier for the flight [0014].

Regarding claim 27, Jammal discloses a computer program product as recited in the rejection of claim 24, wherein the flight information received from the flight information provider includes a seat assignment for the passenger [0015].

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jammal in view of Horrer (US-6,321,084).

Regarding claim 9, Jammal discloses a method as recited in the rejection of claim 1. But, Jammal fails to expressly teach wherein step b) comprises the step of: receiving passenger seat assignment from the caller. However in analogous art, Horrer teaches receiving passenger seat assignment from the caller (col. 2, lines 60-65). Since, Jammal and Horrer are related to a method for an on-board call; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Jammal by specifically receiving passenger seat assignment from the caller as taught by Horrer for purpose of processing the on-board call much faster and accurately by providing the system helpfully an exact passenger seat assignments.

4. Claims 10, 11, 16, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jammal in view of Jensen et al. (US-2002/0111165).

Regarding claims 10, 16 and 22, Jammal discloses a method and an apparatus as recited in the rejections of claims 1, 12 and 18 respectively, wherein the flight is an airline flight (fig. 1 and [0011]). But, Jammal fails to expressly teach the flight information provider including the airline. However in analogous art, Jensen et al. teach the flight information provider includes the airline ([0038], [0040] and [0042]). Since, Jammal and Jensen et al. are related to a method for an on-board call; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method

of Jammal by specifically having the flight information provider including the airline as taught by Jensen et al. for purpose of processing advantageously the on-board call by receiving necessary information from the airline.

Regarding claims 11 and 23, Jammal discloses a method and an apparatus as recited in the rejections of claims 1 and 18 respectively, wherein the flight is an airline flight (fig. 1 and [0011]). But, Jammal fails to expressly teach the flight information provider including a third party information provider. However, Jensen et al. teach the flight information provider including a third party information provider ([0040] and [0042]). Since, Jammal and Jensen et al. are related to a method for an on-board call; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Jammal by specifically having the flight information provider including a third party information provider as taught by Jensen et al. for purpose of providing the system advantageously a second choice to access the airline flight information and passenger seat assignments beside from the airline.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a) Berberich, Jr. (US5,805,683) discloses ground-to-air calls.
- b) Chakravarty et al. (US-2003/0098773) disclose a method for ground-to-air calls.

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- c) Bhagat et al. (US-5,408,515) disclose ground-to-air calls.
- d) Nelson (US-2002/0082008) discloses aircraft cockpit telephony.
- e) Goeken (US-5,249,303) discloses spaced transmitter.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Q Phan whose telephone number is 703-305-9007. The examiner can normally be reached on 8AM-5PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Urban F Edward can be reached on 703-305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phan, Huy Q

AU: 2685

Date : Aug. 06, 2004



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